

**SECTION K**  
**OTHER FEDERAL LAWS**

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## **SECTION K – OTHER FEDERAL LAWS**

### **K-1 Other Federal Laws [40 Code of Federal Regulations {CFR} §270.14(b)(20), with the exception of the modification noted in Kansas Administrative Regulations {KAR} 28-31 270, and 270.3]**

The requirements of the following federal laws are met, where applicable.

#### **K-1a The Wild and Scenic Rivers Act**

This act does not apply to the D&Z hazardous waste management facility because there are no rivers within the facility boundaries.

#### **K-1b The National Historic Preservation Act of 1966**

Operation of the hazardous waste management units at D&Z does not have any effect on properties listed or eligible for listing in the National Register of Historic Places. According to NEPACheck® Report prepared by Environmental Data Resources Inc. (EDR), no historic sites are located within the D&Z hazardous waste management facility or within 1-mile of the facility (EDR 2009).

#### **K-1c The Endangered Species Act**

The D&Z hazardous waste management facility does not affect or impair endangered or threatened species or their habitat. According to the U.S. Department of the Interior Fish and Wildlife Service Ecological Services Kansas Field Office, the Neosho Madtom is a threatened species found in Labette County, Kansas. This threatened species (fish) is reportedly found in the Cottonwood, Neosho, and Spring Rivers; therefore is not likely to be impacted by the facility. The list of threatened and endangered species identified in Labette County, Kansas by the Kansas Department of Wildlife, Parks and Tourism is found in Appendix K-1. It is not anticipated that the operations at the D&Z facility will impact the listed threatened and endangered species.

#### **K-1d The Coastal Zone Management Act**

Not applicable.

#### **K-1e The Fish and Wildlife Coordination Act**

Operation of the hazardous waste management facility has not resulted in the impoundment, diversion, control, or modification of any surface water bodies. Therefore, this act is not applicable.

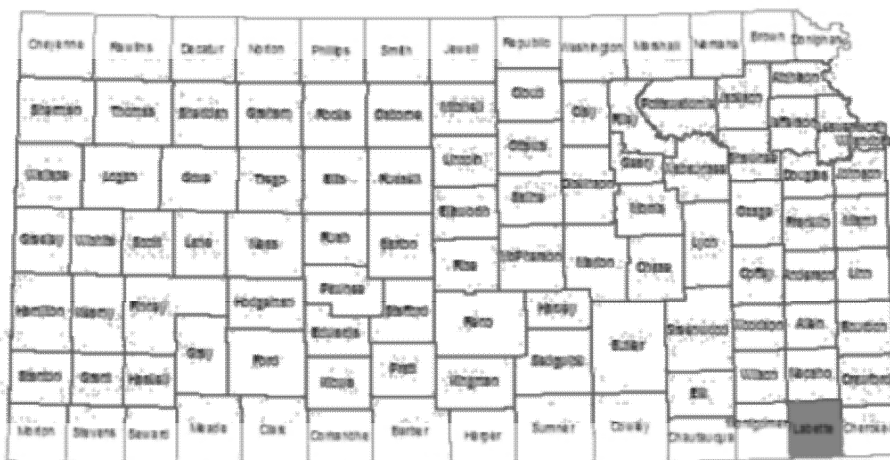
**APPENDIX K-1**

**KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM  
THREATENED AND ENDANGERED SPECIES IN LABETTE COUNTY**



# Kansas Department of Wildlife, Parks and Tourism

## Labette County

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## Threatened and Endangered (T&E) Species

### NEOSHO MADTOM *Noturus placidus*

State: Threatened Federal: Threatened Critical Habitat: Yes

### OUACHITA KIDNEYSHELL MUSSEL *Ptychobranchus occidentalis*

State: Threatened Federal: N/A Critical Habitat: Yes

### WESTERN FANSHELL MUSSEL *Cyprogenia aberti*

State: Endangered Federal: N/A Critical Habitat: Yes

### EASTERN SPOTTED SKUNK *Spilogale putorius*

State: Threatened Federal: N/A Critical Habitat: Yes

### BUTTERFLY MUSSEL *Ellipsaria lineolata*

State: Threatened Federal: N/A Critical Habitat: Yes

### NEOSHO MUCKET MUSSEL *Lampsilis rafinesqueana*

State: Endangered Federal: Endangered Critical Habitat: Yes

### RABBITSFOOT MUSSEL *Quadrula cylindrica*

State: Endangered Federal: Threatened Critical Habitat: Yes

### FLAT FLOATER MUSSEL *Anodonta suborbiculata*

State: Endangered Federal: N/A Critical Habitat: No

### SILVER CHUB *Macrhybopsis storeriana*

State: Endangered Federal: N/A Critical Habitat: No

### FLUTEDSHELL MUSSEL *Lasmigona costata*

State: Threatened Federal: N/A Critical Habitat: No

### LEAST TERN *Sterna antillarum*

State: Endangered Federal: Endangered Critical Habitat: No

### REDSPOT CHUB *Nocomis asper*

State: Threatened Federal: N/A Critical Habitat: No

### AMERICAN BURYING BEETLE *Nicrophorus americanus*

State: Endangered Federal: Endangered Critical Habitat: No

### PIPING PLOVER *Charadrius melodus*

State: Threatened Federal: Threatened Critical Habitat: No

**SNOWY PLOVER** [\*Charadrius alexandrinus\*](#)

State: Threatened Federal: N/A Critical Habitat: No

**NORTHERN MAP TURTLE** [\*Graptemys geographica\*](#)

State: Threatened Federal: N/A Critical Habitat: No

**GRAY BAT** [\*Myotis grisescens\*](#)

State: Endangered Federal: Endangered Critical Habitat: No

## Species In Need of Conservation (SINC)

**Prairie Mole Cricket** [\*Gryllotalpa major\*](#)

State: SINC Federal: N/A Critical Habitat: No

**River Darter** [\*Percina shumardi\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Redfin Darter** [\*Etheostoma whipplei\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Spike Mussel** [\*Elliptio dilatata\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Spotted Sucker** [\*Minytrema melanops\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Wartyback Mussel** [\*Quadrula nodulata\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Alligator Snapping Turtle** [\*Macrochelys temminckii\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Black Tern** [\*Chlidonias niger\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Short-eared Owl** [\*Asio flammeus\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Deertoe Mussel** [\*Truncilla truncata\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Highfin Carpsucker** [\*Carpionodes velifer\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Yellow Sandshell Mussel** [\*Lampsilis teres\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Washboard Mussel** [\*Megaloniaias nervosa\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Wabash Pigtoe Mussel** [\*Fusconaia flava\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Blue Sucker** [\*Cycleptus elongatus\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Creeper Mussel** [\*Strophitus undulatus\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Fawnsfoot Mussel** [\*Truncilla donaciformis\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Gravel Chub** [\*Erimystax x-punctatus\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Bobolink** [\*Dolichonyx oryzivorus\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Yellow-throated Warbler** [\*Setophaga dominica\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Cerulean Warbler** [\*Setophaga cerulean\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Crawfish Frog** [\*Lithobates areolata\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Round Pigtoe Mussel** [\*Pleurobema sintoxia\*](#)

State: SINC Federal: N/A Critical Habitat: No

**Fatmucket Mussel** [\*Lampsilis siliquoidea\*](#)

State: SINC Federal: N/A Critical Habitat: No

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**APPENDIX K-2**

**CHECKLIST FOR REVIEW OF KANSAS HAZARDOUS WASTE PROGRAM PERMIT  
APPLICATION**



CHECKLIST FOR REVIEW OF FEDERAL RCRA PERMIT APPLICATIONS				
SECTION K. OTHER FEDERAL LAWS				
Section and Requirement	Federal Regulation	Review Consideration <sup>a</sup>	Location in Application <sup>b</sup>	See attached Comment Number <sup>c</sup>
K-1 Other Federal Laws	270.14(b)(20), 270.3	Demonstrate compliance with requirements of applicable Federal laws such as the Wild and Scenic Rivers Act, National Historic Preservation Act of 1966, Endangered Species Act, Coastal Zone Management Act, and Fish and Wildlife Coordination Act.	Section K-1	

Notes:

<sup>a</sup> Considerations in addition to the requirements presented in the regulations.<sup>b</sup> For each requirement, this column must indicate one of the following: NA for not applicable, IM for information missing, or the exact location of the information in the application.<sup>c</sup> If application is deficient in an area, prepare a comment describing the deficiency, attach it to the checklist, and reference the comment in this column.